

PROB 12C
(7/93)

Report Date: September 3, 2010

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

SEP 07 2010

Eastern District of Washington

JAMES R LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Faustino Barajas

Case Number: 2:05CR02113-001 - L.R.S.

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Lonny R. Sukko, Chief U.S. District Judge

Date of Original Sentence: 6/1/2006

Original Offense: Embezzlement by Credit Union Employee, 18 U.S.C. § 657

Original Sentence: Prison - 14 Months; TSR - 60 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 7/31/2007

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: 7/30/2012

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Mandatory Condition # 6:** If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

Supporting Evidence: Mr. Barajas has failed to make payment towards his restitution for the months of July and August 2010.

2 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Barajas was cited for driving under the influence of alcohol on August 6, 2010.

According to Washington State Patrol narrative report, on August 6, 2010, Mr. Barajas was stopped for expired license tabs. He performed sobriety tests to which the officer concluded Mr. Barajas being under the influence of alcohol was obvious. Mr. Barajas provided two breath samples which showed the result of .119 and .118.

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Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Mr. Barajas was found to have consumed alcohol in excess on August 6, 2010.

According to Washington State Patrol narrative report, on August 6, 2010, Mr. Barajas provided two breath samples which showed the result of .119 and .118.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/03/2010

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer



9/3/10

Date